

REMARKS

The present invention provides a compact wall-mountable data outlet that brings packet-based network data connectivity closer to a user, enabling multiple user-equipment connections to the network, without requiring multiple connections to a centralized network device (such as a server or router) to support each equipment connection. The intelligence needed to forward data packets is enclosed within the data outlet, making multiple connections unnecessary. To better serve such purpose, the data outlet is configured physically to separate its equipment-interfaces from its premises-interface, thus enabling the mounting of the device in or on a wall.

Twelve claims are pending. Product claim 63 is the sole independent. Claims 7, 13-14, 16-21, and 33-34 all ultimately depend on claim 63. All stand rejected under 35 U.S.C. §§ 102 and/or 103. Applicants request reconsideration.

Rejections under 35 U.S.C. § 102

In the Office Action, mailed 06/24/2007, the examiner refers to U.S. Pat. No. 5,807,139, issued to E.J. Volansky *et al.* on September 15, 1998 (hereinafter, the "Volansky reference"), U.S. Pat. No. 5,743,052, issued to M.W. Mayhall *et al.* on April 28, 1998 (hereinafter, the "Mayhall reference"), U.S. Pat. No. 6,137,866, issued to H.J. Staber *et al.* on October 24, 2000 (hereinafter, the "Staber reference"). Each reference is argued to anticipate applicants' independent claim 63, as well as certain additional claims dependent thereon (*i.e.*, 7 and 13 by the Volansky reference; 7, 13, and 20 by the Mayhall reference; and 7, 13, and 14 by the Staber reference).

Applicants disagree. "Anticipation" under 35 U.S.C. § 102 requires the finding of "all elements" of an applicant's claim in a single prior art reference. The cited art reference do not meet this standard.

In particular, claim 63 recites "**bridge circuitry providing data packet transfer** between said user interface circuitry and said premise interface circuitry". (Emphasis added).

The Volansky reference was reviewed. It does not disclose or suggest "data packet transfer". The Volansky reference is essentially silent on the internal circuitry of the wall jack it discloses. Accordingly, it comes as no surprise that the examiner -- as evident from page 3, line 8, of the Office Action -- can provide no citation to support the anticipation of applicants' "bridge circuitry" component. The examiner parenthetical at line 8 is blank.

The Mayhall reference was reviewed. It does not disclose or suggest "bridge circuitry providing data packet transfer". The data ports in the Mayhall reference are merely prior art jacks, providing little more than a data connection. No data packet processing is disclosed. A mere "data connection" does not disclose or suggest the bridging of data packet traffic.

The Staber reference was reviewed. It does not disclose or suggest "data packet transfer". The Staber reference discloses a wall-mountable signal splitter. In all three embodiment described by Staber *et al.*, signal splitting is accomplished using bandpass filters. No data packet processing is involved. Hence, there is no "data packet transfer".

The Volansky, Mayhall, and Staber references each fail to disclose "all elements" of claim 63. The section 102 rejection of claim 63 should be withdrawn. Claims 7, 13, 14, and 20 are dependent on claim 63. The section 102 rejection of these claims should also be withdrawn.

Rejections under 35 U.S.C. § 103

In the Office Action, the balance of applicants' claims not rejected under 35 U.S.C. § 102 (*i.e.*, 16-19, 21, 33, and 34) are rejected under 35 U.S.C. § 103.

The § 103 rejections rely upon the examiner's § 102 art references (*i.e.*, the Volansky, Mayhall, and Staber references) alternatively or in combination with: U.S. Pat. App. Pub. No. 2004/0196835, filed by Y. Binder on April 20, 2004 (hereinafter, the "Binder reference"); U.S. Pat. App. Pub. No. 2001/0022784, filed by N.P. Menon *et al.* on December 19, 2000 (hereinafter, the "Menon reference"); U.S. Pat. No. 6,130,893, issued to R.J. Whittaker *et al.* on October 10, 2000 (hereinafter, the Whittaker reference"); and/or U.S. Pat. No. 6,661,893, issued to K. Vaughn *et al.* on December 9, 2003 (hereinafter, the "Vaughn reference").

At the outset, applicants respectfully submit that the § 103 rejections -- as presented in the Office action -- do not meet the PTO's initial burden of establishing a *prima facie* showing of obviousness. In each of the rejections, five or more references are relied upon by the examiner, yet substantive discussion by the examiner of the grounds for the rejections -- such as the basis for combining which references with which references -- is limited to only a few lines of text. Such brevity creates substantial ambiguity, and thus, does not provide applicants with sufficient notice of the examiner's combinatorial theory of obviousness. It is not enough to lump a number of primary references (*i.e.*, Volansky, Mayhall, Staber, and Binder) together, then state that a number of other references (*i.e.*, Menon, Whittaker, and/or Vaughan) can be somehow combined with them. Each of these references encompass different technologies. Whether they are "combinable" will turn on these differences. More specificity is thus needed.

Further along similar lines, each of the examiner's rejections (*i.e.*, at par. 8, 9, and 10 of the Office Action) appear to suggest that the Binder reference can serve as a sole "primary reference", independent of the Volansky, Mayhall, and Staber references. *See e.g.*, par. 8 ("Claim 33 is rejected ... as unpatentable over [Volansky], [Mayhall], [Staber] **or Binder** et al. ..., in view of Whitaker et al.") (Emphasis added). If so, the examiner has not established (nor attempts to discuss) how the Binder reference, alone or in combination with other references, anticipates or obviates independent claim 63. The examiner's rejections thus seem to suggest that dependent claims can be rejected on prior art, without rejecting the independent claims upon which they rely. This cannot occur. It is intrinsically legally inconsistent.

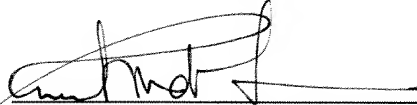
Regardless of the legal defects attending the rejections, applicants have in the interest of advancing the prosecution of this application again reviewed the Binder, Menon, Vaughn, and Whittaker references. Applicants maintain their earlier-stated position: These references do not disclose or suggest applicants' "data packet transfer"-related circuitry in the same contextual relationships with applicants' housing as set forth in applicants' claim 63". (See, "Amendment", filed

April 4, 2006, pages 6-7). Withdrawal of the rejection under 35 U.S.C. § 103 of claims 16-19, 21, 33, and 34 is thus felt appropriate.

Conclusion

The pending claims define subject matter neither described nor suggested by the cited art references. Allowance is felt appropriate.

Respectfully submitted,



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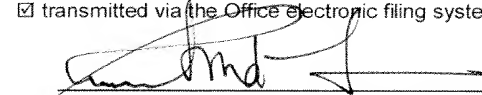
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